

**CITY OF MASCOUTAH
CITY COUNCIL MINUTES
#3 WEST MAIN STREET
MASCOUTAH, IL 62258-2030**

JUNE 6, 2016

The minutes of the regular meeting of the City Council of the City of Mascoutah.

PRAYER AND PLEDGE OF ALLEGIANCE

City prayer was delivered by City Clerk Kari Haas. The Council remained standing and recited the Pledge of Allegiance.

CALL TO ORDER

Mayor Gerald Daugherty called the meeting to order at 7:00 p.m.

ROLL CALL

Physically Present: Mayor Gerald Daugherty, Council members Paul Schorr, John Weyant and Pat McMahan.

Request for Electronic Attendance: Mayor stated that a notice was received by Councilman Grodeon to attend this City Council meeting electronically, and he will be deemed authorized to attend the meeting electronically unless a motion objecting to his electronic attendance is made. Is there a motion objecting to Councilman Grodeon attending this meeting electronically? Hearing none, the request by Councilman Grodeon to attend the meeting electronically shall be deemed approved.

Electronically Present: Council member Ben Grodeon.

Absent: None.

Other Staff Present: City Manager Cody Hawkins, City Clerk Kari Haas, and City Attorney Al Paulson.

Establishment of a Quorum: A quorum of City Council members was present.

AMEND AGENDA

None.

MINUTES

The minutes of the May 16, 2016 regular City Council meeting were presented and approved as presented.

Motion passed. Passed by unanimous yes voice vote.

PUBLIC COMMENTS

Brenda Edwards – Voiced concerns over the drainage issues between Larkspur and Antique.

Sandy Goebel – Voiced concerns over the drainage issues between Larkspur and Antique. Stated that a ditch was dug but was not deep enough.

Sue Homeyer – Voiced concerns over the drainage issues between Larkspur and Antique. Stated that she had dug a ditch behind her house but it is not enough to help with the drainage. Mayor stated that the City Manager would be in touch to discuss the drainage issues.

Kelly Ridgway – Spoke regarding the allowance of chickens in Mascoutah. Stated that she has spoken to the nearby cities who do allow chickens and stated her findings with regards to the concerns voiced: Alton passed an ordinance in November 2012 which allows up to 5 hens, animal control takes care of enforcement, only calls received have been when a hen turns into a rooster and needs to be re-homed, permit fee covers initial inspection and follow ups, does not receive a lot of other nuisance complaints; Staunton passed November 2014 which allows up to 6 hens, police department handles enforcement and has not received one complaint since ordinance was passed; New Athens passed recently due to the Sparta ruling, allows up to 6 hens, police department has yet to receive a complaint; Collinsville has temporary ordinance on 3-year trial basis passed November 2015 which allows up to 6 hens, of the 75 permits allows only 4 have been issued and no complaints have been issued; Salem has an ordinance over 5 years with no restrictions on the amount of hens allowed and not one complaint has been made over offensive odors. Asked Council to reconsider their vote and make Mascoutah a great place to live.

Craig Ridgway – Spoke regarding the allowance of chickens in Mascoutah. Spoke regarding the lawsuit from Sparta and stated that he had provided that information to the City Manager. Spoke regarding the proposed ordinance on the agenda regarding prohibiting chickens and other animals. Asked the Council to consider a trial period like Collinsville.

Mike Cunico – Voiced concerns over cars speeding in the Dere Bere and Michelle area and asked if “Slow – Children at Play” signs could be placed in the neighborhood. Spoke regarding the allowance of chickens in Mascoutah and stated that his issue is that the City was presented a petition; stated that the petition was circulated by some middle school and elementary school students; voiced concerns over sending the wrong message to these students that the petitioning process is ineffective; asked Council to allow the advisory referendum so that the citizens can have a voice.

Joseph Cunningham – Spoke regarding the allowance of chickens in Mascoutah. Provided copies of the letter he read with regards to the allowance of chickens.

Eric Mercer – Spoke regarding the allowance of chickens in Mascoutah. Stated that he would like to learn more about what he can do to make things better and began asking questions of the Council. City Attorney interjected stating that the public comment period is to make comments and is not a question and answer period. Mayor stated that anyone can

call any of the Council members at any time to discuss any issues he may have or to ask his questions.

REPORTS AND COMMUNICATIONS

Mayor

Attended the following meetings and functions: SLM Water Commission meeting, Scott AFB meeting regarding possible partnership with area communities, Trinity annual strawberry festival, IML Executive Committee meeting, SWIL Council of Mayors meeting, meeting with Congressman Mike Bost regarding the NGA site selection, Memorial Day service at Zion Lutheran Church.

City Council

Grodeon – Attended the following meetings and functions: Thanked the Council for the opportunity to attend electronically while out of town on business travel. Stated that he did take an Allegiant flight out of MidAmerica and commented on the great experience he had.

Schorr – Attended the following meetings and functions: Toured the Legacy Place in Breese, cleaned up landscaping at 4-way.

Weyant – Attended the following meetings and functions: Spring Fest, Memorial Day service at Zion Lutheran Church.

McMahan – Attended the following meetings and functions: Spring Fest, homecoming planning.

City Manager – Nothing to report.

City Attorney – Nothing to report.

City Clerk – Nothing to report.

COUNCIL BUSINESS

PREVAILING WAGE ORDINANCE (FIRST READING)

City Manager presented report for Council consideration of approval of an ordinance adopting and affirming the City of Mascoutah, St. Clair County, Prevailing Wage.

First reading. No action required.

CODE CHANGE – ANIMALS (FIRST READING)

City Manager presented report for Council consideration of approval of revisions to Chapter 3 – Animals, adding Article IV – Prohibited Animals of the City Code.

Councilman Schorr agreed that the code change does clarify what we are already prohibiting. Councilman Schorr suggested adding pot belly pigs to the list of mammals prohibited.

Councilman Weyant commented on the prohibition of rabbits and asked if that could be removed because it can be a domestic pet. Councilman Schorr was in favor of leaving rabbits listed as prohibited.

Councilman McMahan commented on the prohibition of chickens and spoke regarding the information provided by the group. Councilman McMahan stated that personally he would not care to have chickens next to him but he is not here for himself and admired the passion of this group. Councilman McMahan commented on the petition and how that is a very small percentage of the population and commented on the vocal amount of supporters isn't necessarily the majority of the population. Councilman McMahan stated that he wouldn't be opposed to a trial period if it wouldn't set a precedence. Councilman McMahan stated that out of all the people who have contacted him, only 3 have said they would want chickens. Councilman McMahan stated that the people in opposition are just as passionate, they just aren't voicing their opposition at a meeting, they are contacting him directly which is their right too.

Councilman Grodeon asked about when the issue came up with goats and the City had prevailed and the code was upheld and wondered why this is an issue now. City Attorney stated that there is a Rule 23 from a case from Sparta in which Sparta's code was ruled to be a vague or ambiguous ordinance and therefore the residents were allowed to have chickens. City Attorney stated that he does believe the City's current ordinance does prohibit chickens but amending the Code would provide additional clarification on what animals are prohibited. City Attorney stated that the Rule 23 couldn't be used against the City if they were sued, but that doesn't mean a judge couldn't make the same ruling against the City under the way the code reads now.

Councilman Weyant stated that he has spoken to many people and has only had 1 person tell him that they wouldn't have a problem with the chickens. Councilman Weyant stated that he would be open to a trial period.

Mayor stated that there are some good points from both sides. Mayor stated that the Council's commitment as elected officials is to do what is in the best interest of the majority of the citizens.

Councilman Grodeon stated that as a parent he could see some hurt feelings with a trial period when if it didn't work out, a parent would have to tell their child who has gotten attached to the chicken that they have to get rid of it now. Councilman Grodeon stated that he would rather see the topic go to a referendum before doing the trial period.

Councilman Schorr commented on if the chickens were to be allowed, it would be forcing, in some respect, the chickens on the older portions of town considering all the subdivisions will not allow them.

First reading. No action required.

ADOPTION OF ORDINANCE AUTHORIZING THE ESTABLISHMENT OF TAX INCREMENT FINANCING “INTERESTED PARTIES” REGISTRY AND ADOPTING REGISTRATION RULES FOR THESE REGISTERIES (FIRST READING)

City Manager presented report for Council consideration of approval and adoption of an Ordinance authorizing the establishment of Tax Increment Financing “Interested Parties” Registries and adopting registration rules for these registries.

First reading. No action required.

PURCHASE OF A NEW 2015 CARGO VAN

City Manager presented report for Council consideration of approval of the purchase of a new 2015 cargo van for the Water/Sewer Department.

Councilman Schorr asked if the warranties were similar between the bidders. City Manager stated that all three companies had very similar warranties.

McMahan moved, seconded by Schorr, to approve the purchase of a new 2015 Dodge Promaster City Tradesman SLT Cargo Van awarding the bid to Brent Bergher Chrysler-Dodge-Jeep-Ram of Mascoutah, IL in the amount of \$24,845.00 and authorize appropriate officials to execute the required documents.

Motion passed. AYE’s – Grodeon, Schorr, Weyant, McMahan, Daugherty. NAY’s – none.

COUNCIL – MISCELLANEOUS ITEMS

Councilman Schorr asked about the progress of Ace Hardware and the site plan. City Manager stated that Mr. Millikin was in the office today and asked that it remain tabled for the time being until he can finish cleaning up the area and get the site plan prepared.

Councilman Weyant asked about North 10th Street extension and if it had been closed out. City Manager stated that he believes it has. Councilman Weyant asked why there was a piece of equipment at the end of Larkspur sitting on City property. City Manager stated that it is a private project from a resident who is extending their culvert so they are probably on an easement or right-of-way.

CITY MANAGER – MISCELLANEOUS ITEMS

City Manager stated that he has spoke with the property owner who was operating the short term lease, or air bnb. City Manager stated that he has been researching the issue but is having a hard time finding other communities who are regulating them. City Manager stated that he would like to have a discussion at the next meeting regarding what the Council wants to do; whether we allow it or not and what the regulations would be if it was to be allowed.

PUBLIC COMMENTS

Rich Fuess – Spoke regarding the referendum and asked what the harm would be in doing the referendum to provide everyone the opportunity to speak. Stated that he believes it would be the easiest way to put this issue to rest.

Sue Homeyer – Provided a list of the neighbors on Larkspur who were not able to attend tonight and who have the drainage issue.

Mike Cunico – Spoke regarding the referendum. Spoke regarding the reasoning provided for not doing a referendum because those voting who live in subdivisions wouldn't have a dog in the race and stated that using that same reasoning then renters shouldn't be allowed to vote on things regarding property taxes since they don't pay them but that's not how the system works. Stated that subdivisions cannot allow anything more than the City allows, but if the City was to allow them, there would be the possibility provided for residents to get their HOA's to allow them as well.

Craig Ridgway – Commented on the trial basis like Collinsville has would be a very good idea; does not believe that this is something that would get out of control. Commented on the definition of a chicken as a domesticated bird, not defined as a farm animal.

Eric Mercer – Stated that his citation for having chickens was not from a noxious odor.

ADJOURNMENT TO EXECUTIVE SESSION

Schorr moved, seconded by Weyant, to adjourn to Executive Session to discuss Personnel – Section 2(c)(1) at 7:58 p.m.

Motion passed. AYE's – Grodeon, Schorr, Weyant, McMahan, Daugherty. NAY's – none.

RETURN TO REGULAR SESSION

Schorr moved, seconded by McMahan, to return to Regular Session at 8:10 p.m.

Motion passed. Motion passed by unanimous yes voice vote.

MISCELLANEOUS OR FINAL ACTIONS

None.

ADJOURNMENT

McMahan moved, seconded by Schorr, to **adjourn at 8:13 p.m.**

Motion passed. Motion passed by unanimous yes voice vote.

Kari D. Haas, City Clerk